



9200/1745

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: A.J. NEJEZCHLEB et al.

Continued Prosecution Application
Serial No.: ~~09/085,669~~

Examiner: J. Crepeau

Filed: May ~~27, 1998~~ 11/15/01

Group Art Unit: 1745

U.S. Patent No. ~~6,309,610~~ 2/A

Issued: October 30, ~~2001~~

Title: NON-THERMAL PLASMA APPARATUS
UTILIZING DIELECTRICALLY-COATED
ELECTRODES FOR TREATING EFFLUENT GAS

SUPPLEMENT TO PETITION

This is a supplement to the Petition to the Commissioner under 37 CFR

1.181(a) invoking the supervisory authority of the Commissioner, filed November 15, 2001.

In that Petition, Petitioners argued that the Issue Notification with regard to U.S. Patent Application Serial No. 09/085,669 was neither received nor docketed prior to issuance of the related patent, because of possible mail delays associated with the recent anthrax contamination of the U.S. Postal Service Brentwood Sorting Station, through which U.S. Patent & Trademark Office mail is routed. Petitioners now confirm that the Issue Notification with regard to U.S. Patent Application Serial No. 09/085,669 was received on November 28, 2001, twenty nine (29) days after the issuance of U.S. Patent No. 6,309,610 and fifty four (54) days from the postmark date

of the Issue Notification to receipt in the offices of Kilpatrick Stockton LLP. As a consequence of this mail disruption, a continuation application was not timely filed.

The Petitioners respectfully requested that the Commissioner grant a filing date of October 30, 2001, for a continuation application to be filed claiming priority to U.S. Patent Application Serial No. 09/085,669.

STATEMENT OF FACTS

1. U.S. Patent No. 6,309,610 issued on October 30, 2001.
2. On November 28, 2001, twenty nine (29) days after the issuance of U.S. Patent No. 6,309,610, the Issue Notification in U.S. Patent Application Serial No. 09/085,669 was received, providing notice of the approaching issuance of the patent. (Attachment A.)(Forrester Supp. Aff. ¶ 4.)
3. The envelope in which the Issue Notification was mailed is postmarked October 5, 2001. Thus, the Issue Notification took fifty four (54) days from its postmark date to its receipt in the offices of Kilpatrick Stockton LLP. (Attachment B.)(Forrester Supp. Aff. ¶ 5.)
4. Had the Issue Notification been received on or about October 5, 2001, then Kilpatrick Stockton LLP would have had more than three (3) weeks of docketing information regarding the possible filing of a continuation application of U.S. Patent Application Serial No. 09/085,669. (Forrester Supp. Aff. ¶ 6.)

CONCLUSION

Pursuant to 37 CFR § 1.181(a) and the supervisory authority of the Commissioner, Petitioners respectfully request that the Commissioner grant a filing date of October 30, 2001, for a continuation application to be filed claiming priority to U.S. Patent Application Serial No. 09/085,669. Because of mail disruptions associated with the recent anthrax contamination of the U.S. Postal Service Brentwood Sorting Station, through which U.S. Patent & Trademark Office mail is routed, the Issue Notification with regard to U.S. Patent Application Serial No. 09/085,669 was received twenty nine (29) days after the issuance of U.S. Patent No. 6,309,610 and fifty four (54) days from its postmark date to its receipt in the offices of Kilpatrick Stockton LLP. As a consequence of this mail disruption, a continuation application was not timely filed.

Respectfully submitted,

A.J. NEJEZCHLEB et al.

Date:

11/28/01

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